REMARKS

By this amendment, claims 1-14 and 16-35 are pending.

The Office Action mailed June 13, 2007 objected to claims 18 and 19 as being dependent on a rejected base claim, but otherwise allowable, and rejected claims 1-14, 16, 17, 20-22, and 30-34 under 35 U.S.C. § 102 (e) as anticipated by *Erwin et al.* (US H1,802). The Office Action indicated that claims 23-29 are allowed.

The indication by the Examiner of the allowability of claims 23-29 and of the patentable subject matter of claims 18 and 19 is, again, gratefully acknowledged.

In this Office Action, the Examiner now points to hub 324, rather than call processor 312, in FIG. 3 of *Erwin et al.*, as corresponding to the claimed **switch controller**.

As an initial matter, Applicants would point out that the latest Office Action does not address Applicants' arguments in Applicants' previous response. That is, the Examiner again fails to address the status the status of independent claim 35. In the previous response, Applicants explained that since claim 35 has never been withdrawn or canceled, and there is no rejection of claim 35, claim 35 must be allowed. The Examiner acknowledges, on the Office Action Summary sheet of the latest Office Action that claim 35 is, indeed, pending, and it also indicates that claim 35 is rejected. Yet, in the body of the Office Action, while the Examiner appears to apply the *Erwin et al.* reference to the limitations of claim 35 (at pages 8-9 of the Office Action), claim 35 was never rejected since the statement of rejection, at page 2 of the Office Action, lists all of the claims rejected under 35 U.S.C. § 102(e), and claim 35 is not among them. Since Applicants are confused at this contradiction, and the Examiner has not explained it, Applicants will now proceed on the assumption that the Examiner intended to reject claim 35 under 35 U.S.C. § 102(e).

With regard to the rejection of claims 1-14, 16, 17, 20-22, 30-34, and, presumably, 35, under 35 U.S.C. § 102 (e) as anticipated by *Erwin et al.*, Applicants respectfully traverse.

The Examiner now indicates that *Erwin et al.* discloses the claimed "programmable switch" at 300 in FIG. 3 of the reference, the claimed "switch controller" at hub 324 in FIG. 3 of the reference, and the claimed service control means at call processor 312 in FIG. 3 of the reference. However, claims 1-17 require a programmable switch and a switch controller "**coupled to said programmable switch**." This is illustrated, for example, in FIG. 1 of the present application where a switch controller, e.g., 112a, is coupled to a programmable switch, e.g., 110a. But, in *Erwin et al.*, if element 300 is the "programmable switch," hub 324 is a part of that "programmable switch" and, therefore, cannot be "coupled to said programmable switch," as claimed. It is awkward, to say the least, and improper, at best, to interpret an element as being "coupled" to itself. Moreover, independent claim 1 also requires that the switch controller that is coupled to the programmable switch includes **a service control means**. The Examiner now contends that hub 24 of *Erwin et al.* is the claimed **switch controller** while call processor 312 of *Erwin et al.* is the claimed **service control means.** But, as can clearly be seen in FIG. 3 of *Erwin et al.*, none of the hubs 324 form any part of call processor 312. Thus, contrary to the instant claim requirements, hub 324 does not include call processor 312, and the limitations of instant claim 1 are not met by the applied reference. Therefore, *Erwin et al.* does not disclose the subject matter of claims 1-17 and the Examiner is respectfully requested to withdraw the rejection of claims 1-17 under 35 U.S.C. § 102 (e).

With regard to independent claim 20 and claims 21 and 22 depending therefrom, the Examiner now contends that the hub 324 of *Erwin et al.* is the claimed "messaging interface," that telephony support module 304 and interface module 306 of *Erwin et al.* constitute the claimed "means for communicating with a programmable switch using programmable switch

interface messages;" and that the claimed means for communicating with an intelligent service network component using transmission control messages is met by the network management server (using intelligent transmission control messages) and the call processing and signaling functions in col. 7, lines 11-48, and FIG. 3 of *Erwin et al.*

Similar to the argument *supra*, claim 20 calls for "a means for communicating with a programmable switch using programmable switch interface messages." The Examiner still identifies element 300 in FIG. 3 of *Erwin et al.* as the claimed "programmable switch." All of the elements (i.e., hub 324, hub interface, interface module 306 and 304, and a network management server) identified by the Examiner as constituting the claimed "means for communicating" reside in "programmable switch" 300 in *Erwin et al.* Therefore, *Erwin et al.* cannot teach or disclose the claimed "means for communicating with a programmable switch using programmable switch interface messages," because the elements identified by the Examiner as constituting the "means for communicating" in *Erwin et al.* are part of the "programmable switch" 300. Accordingly, the "means for communicating" in *Erwin et al.* cannot be a means for communicating **with** the programmable switch, as claimed, since the identified "means for communicating" are within the "programmable switch" 300 of *Erwin et al.* It is unreasonable to interpret an element as communicating with itself. Therefore, *Erwin et al.* does not disclose the subject matter of claims 20-22 and the Examiner is respectfully requested to withdraw the rejection of claims 20-22 under 35 U.S.C. § 102 (e).

Similarly, with regard to claim 30, and claims 31-34 dependent thereon, the Examiner identifies switch 300 in *Erwin et al.* as the claimed **switch**, and hub 324 in *Erwin et al.* as the claimed **switch controller**. But claim 30 requires the switch controller to be configured to generate program instructions **to** the switch, clearly implying that the switch and the switch controller are separate entities since a component does not generate instructions to itself. Yet,

in *Erwin et al.*, hub 324 is part of switch 300. Accordingly, *Erwin et al.* cannot meet the features of independent claim 30 or its dependent claims 31-34. Therefore, *Erwin et al.* does not disclose the subject matter of claims 30-34 and the Examiner is respectfully requested to withdraw the rejection of claims 30-34 under 35 U.S.C. § 102 (e).

Turning to independent claim 35, the Examiner again identifies switch 300 of *Erwin et al.* as the claimed **switch** and identifies hub 324 transmitting via an interface as the claimed **transmitting program instructions**. Again, claim 35 requires transmitting program instructions **to the switch**. Since hub 324 and any of its interfaces constitute a part of switch 300 in *Erwin et al.*, and it is illogical to presume that a component transmits program instructions to itself, hub 324 cannot transmit any program instructions **to** switch 300. Claim 35 clearly implies that the switch and whatever is transmitting program instruction **to the switch** are separate entities. Accordingly, *Erwin et al.* cannot meet the limitations of independent claim 35. Therefore, *Erwin et al.* does not disclose the subject matter of claim 35 and the Examiner is respectfully requested to withdraw the rejection of claim 35 under 35 U.S.C. § 102 (e).

Accordingly, claims 1-14 and 16-35 are patentable.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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9/13/07
Date

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